

CHAPTER 7-03.1-07
CERTIFICATION PROCEDURES FOR ALL NORTH DAKOTA DAIRY
FACILITIES

Section	
7-03.1-07-01	General Requirements for the Certification of New Milking Facilities
7-03.1-07-02	Special Requirements for the Certification of New Milking Facilities
7-03.1-07-03	Rejection of Certification and Appeal
7-03.1-07-04	Temporary Facilities' Certification for the Sale of Raw Milk

7-03.1-07-01. General requirements for the certification of new milking facilities.

1. All dairy farms wishing to sell milk shall make application for farm certification pursuant to North Dakota Century Code section 4-30-28. No dairy farm may sell milk or cream without state certification.
2. Application must be made by letter to the office of the state dairy commissioner, state capitol, Bismarck, North Dakota, at least twelve days before inspection of facilities and premises by the state dairy department.
3. A set of plans containing information on the dairy farm, milking facility, and milking equipment must be submitted to the dairy commissioner for new dairy facilities or prior to major changes in existing facilities. This information must be provided by the dairy producer and accepted by the dairy commissioner prior to the start of any improvements.
4. A facility inspection must be conducted and a water sample taken as a requirement for certification. Satisfactory results from both these items will result in the posting of an inspection sheet which represents certification of that facility to sell milk in the state of North Dakota.
5. The inspection sheet must be prominently posted on the premises and is prima facie evidence in all proceedings by and before the dairy commissioner for compliance of premises and facilities with all the provisions of North Dakota Century Code chapter 4-30.
6. Dairy farm facilities will be certified according to approved uses as:
 - a. Grade A - A production unit that is certified by the dairy department to meet state production practices as required by North Dakota Century Code section 4-30-36.
 - b. Manufacturing grade - A production unit that is certified by the dairy department to meet state production requirements as required by North Dakota Century Code section 4-30-27.

- c. Cream grade - A production unit that is certified by the dairy department to meet state production requirements as required by North Dakota Century Code section 4-30-21.
- 7. Certification is continuous unless suspended or revoked and is not transferable.
- 8. Any dairy facility temporarily not in use during a normally scheduled inspection is required to be recertified prior to the start of raw milk production.
- 9. All certified producers will be assigned a producer number by the dairy commissioner. This number must be used by the producer, bulk hauler, and plant when communicating with the dairy department.

History: Effective August 1, 1986; amended effective April 1, 1993.

General Authority: NDCC 4-29-03, 4-29-04, 4-30-55.1

Law Implemented: NDCC 4-30-28

7-03.1-07-02. Special requirements for the certification of new milking facilities.

1. Grade A milk farm.

- a. Water supply and facilities must meet all pasteurized milk ordinance requirements at time of certification.
 - (1) Water supply must meet the requirements of the North Dakota board of water well contractors and state department of health and consolidated laboratories, division of water supply and pollution control at time of certification.
 - (2) Or a supply which has been approved for municipal or rural water supply by the state department of health and consolidated laboratories.
 - (3) Properly constructed wells must be located at least fifty feet [15.24 meters] from privy pits, cesspools, septic tanks, absorption fields, sewers, barnyards, feedlots, high water marks of lakes, streams, sloughs, ponds, etc.
 - (4) Fifty feet is the distance requirement with favorable soil conditions, with a properly constructed well. The dairy commissioner may require more than fifty feet [15.24 meters] when soil conditions are unknown or the nature of contaminant or toxic chemical wastes in the area.
 - (5) Wells must be at least ten feet [3.01 meters] from any basement.

- (6) One hundred fifty feet [45.72 meters] from underground manure storage, chemical or fertilizer storage, or chemical preparation area.
 - (7) Hydrants must be ten feet [3.01 meters] or more away from well.
 - (8) Well site may not be subject to flooding and should be graded to facilitate the rapid drainage of surface water.
 - (9) The grade must be sloped away from the well to divert surface water. The area must be filled, if necessary, graded, and maintained to prevent the accumulation or retention of surface water within fifty feet [15.24 meters] of the well in all directions.
 - (10) For a well on a hillside, adequate intercepting ditches shall be constructed on the uphill side of the well to keep runoff at least fifty feet [15.24 meters] away from it in all directions.
 - (11) The casing or pitless unit for all ground water sources must project not less than twelve inches [30.48 centimeters] above the final ground elevation, the well cover slab, or pumphouse floor.
 - (12) Pit wells, buried well seals, and sand point wells are not acceptable for grade A certification.
- b. Temporary certifications will not be issued for grade A farms. Only farms that have met all minimum requirements for grade A will be certified.
 - c. The farm bulk tank must be empty at the time of certification.
 - d. Hoseport must be installed in an exterior outside milkhouse well.
 - e. Hoseport slab must be at least a six-foot by six-foot [1.83-meter by 1.83-meter] cement slab centered under the hoseport.
 - f. Milkhouse must have a direct door to the exterior. Haulers must not have to go into milking area or animal housing area to get to the milkhouse.
- g. No light fixtures or vents over bulk tanks.
 - h. Handwashing facilities must be in the milkhouse. Hand sinks must be of lavatory fixture style and at least twenty-four inches [60.96 centimeters] away from wash vats or have splash board of sufficient size to prevent contamination of double vat. Two compartment wash vats must be stainless steel.

- i. Light must be provided to properly inspect interior of bulk tanks.
 - j. Livestock or fowl may not have access to truck approach (driveway) or loading area.
 - k. Hot water heater capacity must be adequate to do a good job of cleaning the equipment.
2. **Manufacturing grade milk farm.** Manufacturing grade milk farms shall meet all requirements of the United States department of agriculture minimum standards minimum standards. Water supply has been tested and found safe by a state-approved water testing laboratory.

History: Effective August 1, 1986; amended effective April 1, 1993.

General Authority: NDCC 4-29-03, 4-29-04, 4-30-55.1

Law Implemented: NDCC 4-30-28

7-03.1-07-03. Rejection of certification and appeal.

- 1. Should the inspection determine that deficiencies exist which prevent certification of the farm, the farm may not be certified.
- 2. The producer shall correct all deficiencies prior to requesting a reinspection.
- 3. A dairy producer denied certification may appeal that decision to the dairy commissioner within thirty days of the denial, by requesting, in writing, a hearing. Upon receipt of the request for a hearing, the dairy commissioner shall convene a hearing as soon as possible, but not later than fifteen days after receiving the request. All interested parties must be given notice to attend the hearing. Notice may be oral notice if time does not allow for written notice. The hearing must otherwise be in accordance with North Dakota Century Code chapter 28-32. The hearing officer shall issue a written decision including findings and conclusions in regard to certification, if certification is denied.

History: Effective August 1, 1986; amended effective April 1, 1993.

General Authority: NDCC 4-29-03, 4-29-04, 4-30-55.1

Law Implemented: NDCC 4-30-28

7-03.1-07-04. Temporary facilities' certification for the sale of raw milk.

- 1. Application must be made to the dairy commissioner for certification of temporary facilities set up for dairy shows, fairs, etc.
- 2. These must comply with all construction requirements in North Dakota Century Code chapter 4-30 for farm facilities offering raw milk for sale. Under no circumstances may lactating dairy animals be housed with fowl, swine, or other potential carriers of milk-borne illness.

3. An onsite facility inspection must be conducted prior to the sale of any milk and, if acceptable, the temporary permit must consist of the posted inspection sheet. The permit length must be determined by the dairy commissioner.
4. All milk offered for sale from facilities with temporary permits must be screened for inhibitory substances by use of the Delvo P or other tests accepted by the dairy commissioner. The person administering the test must be a licensed tester.

History: Effective August 1, 1986.

General Authority: NDCC 4-29-03, 4-29-04, 4-30-55.1

Law Implemented: NDCC 4-30-28